

REMARKS

The Official Action mailed February 6, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on December 19, 2003; and February 4, 2004.

An Information Disclosure Statement was submitted on February 14, 2006, and consideration of this Information Disclosure Statement is respectfully requested.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-5, 9, 11, 13, 15 and 17 are pending in the present application, of which claim 1 is independent. Claim 1 has been amended to clarify the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

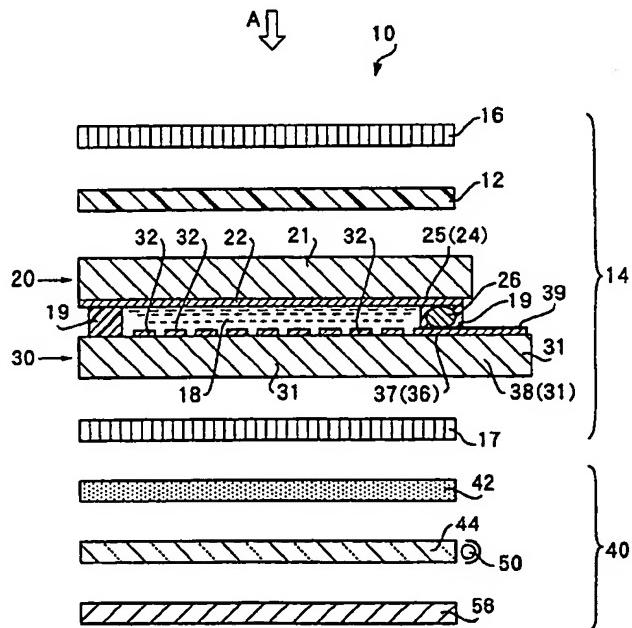
The Official Action rejects claims 1-5, 9, 11, 13, 15 and 17 as obvious based on U.S. Patent Publication No. 2001/0022644 to Hinata. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Independent claim 1 has been amended to clarify that a thin film integrated circuit and a display device are covered and sealed with a resin. For the reasons provided below, Hinata does not teach or suggest the above-referenced features of the present invention.

The Official Action concedes that "644 [Hinata] lacks the seal made from resin" (page 2, Paper No. 20060202). The Official Action asserts that it would have been obvious to make seal 19 of Hinata from resin since "it was well known to use resin seals for simplifying manufacturing" (*Id.*; Figure 2 of Hinata reproduced below).



The Applicant respectfully disagrees and traverses the above assertions in the Official Action.

The Official Action has not shown that the prior art teaches or that one of ordinary skill in the art at the time of the present invention would have unquestionably known that the use of resin seals results in the simplification of the manufacturing of a card. Although the Official Action has not formally invoked Official Notice, it appears that the assertions in the Official Action are not based on prior art references. Regarding use of Official Notice, MPEP § 2144.03.A states the following: “It would not be appropriate for the Examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known” (emphasis in original). Also, the CCPA explicitly rejected “the notion that judicial or administrative notice may be taken of the state of the art. The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of such notice.” See also MPEP § 2144.03.B, which is titled “If Official Notice Is Taken of a Fact, Unsupported by Documentary Evidence, the Technical Line Of Reasoning Underlying a Decision To Take Such Notice Must Be Clear and Unmistakable” and MPEP § 2144.03.C, which is titled “If Applicant Challenges a Factual Assertion as Not Properly Officially Noticed or not Properly Based Upon Common Knowledge, the Examiner Must Support the Finding With Adequate Evidence.” In the present application, the Applicant respectfully submits that the Official Action has not shown that the use of resin seals for simplifying manufacturing is capable of instant and unquestionable demonstration as being well-known.

Also, claim 1 has been amended to recite that a thin film integrated circuit and a display device are covered with a resin. The Applicant respectfully submits that Hinata does not teach or suggest the above-referenced feature of the present invention.

Since Hinata does not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and

withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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